

Brent and Harrow Trading Standards Service

Working in Partnership



Annual Report
for the year ending 31st March 2010



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Foreword

Annual Report 2009-2010

This Annual Report highlights the work of Brent and Harrow Trading Standards Service for the year 2009-2010. I hope it succeeds in giving you an overview of the variety and depth of work that is carried out by this key front line Service.

The work that we do has a huge impact on everyone without them necessarily realising that dedicated professionals are working behind the scenes to ensure that their rights are being protected - that the public get the correct quantity of fuel when they fill their cars up, that the toys they buy for their children are not going to cause them harm; that the designer goods they buy are not fake; that they are not overcharged or short changed for their goods and services.

Perhaps the biggest impact that we have on the local community is the preventative measures that we initiate with businesses in order to prevent major problems which would otherwise have a serious effect on the local and national economy. The variety of ways that we go about doing this are covered in this report.

Informed confident consumers

We want the residents of Brent and Harrow to be fully aware of their consumer rights and have confidence when dealing with businesses. When things go wrong, we will advise them and, for the most vulnerable, take action on their behalf. A small selection of some of the cases we have dealt with this year are included in the 'Helping Consumers' section.

Informed successful businesses

We want businesses in Brent and Harrow to trade legally and prosper. It is a well known fact that businesses that deal in illicit goods and services are only there to make quick profits, whereas traders that operate legally, contribute to the local economy and can play an important part in the general wellbeing of the area. I hope that you will see from this report that appropriate action is taken against businesses that flout the law whilst full support is given through advice and assistance to legitimate businesses so that they

are not disadvantaged through unfair competition.

In view of this, we set up 'Responsible Retailer Schemes' for underage sales and for car dealers to help businesses in areas of trade that are traditionally problematic. For national traders based in the Consortium we offer in-depth advice and act as a single point of contact with them for trading standards throughout the country.

Enforcement of a fair and safe trading environment

Inevitably, some traders choose not to heed our advice or fall foul of the law for other reasons. Therefore, we spend a great deal of our time on enforcement, as there are always those traders who will try and gain an unfair advantage over others by trading illegally. This is especially important during times of hardship when honest traders are already struggling to survive.

We have continued to see some of our biggest ever cases come before the courts and this trend looks likely to continue. We are also continuing to use our powers under the Proceeds of Crime Act to seize the assets of criminals who have benefited from their illegal activities, such as counterfeiting and car clocking.

An efficient, effective and improving Trading Standards Service

We are always looking to improve the service we offer and increase our efficiency and effectiveness within our increasingly stretched budgets. The Chartered Institute of Public Finance and Accountancy data has been used to carry out benchmarking and comparisons against other London Authorities, both in terms of finance and enforcement.

We are no longer in the upper quartile with respect to expenditure per head of population. Furthermore, the fact that we operate as a Consortium means that in comparison to other London Authorities, a greater proportion of our budget is spent on the provision of front line services.

Introduction

This Annual Report details the work of the Trading Standards Service from 1st April 2009 to 31st March 2010.

The Consortium

The London Boroughs of Brent and Harrow have been providing their trading standards service on a unique basis as a Consortium since 1965. In 1995, following the departure of the London Borough of Ealing, Brent and Harrow Councils signed a new agreement under Section 101(5) of the Local Government Act 1972 with the appointment of the Joint Advisory Board as the relevant body to discharge the functions of the Service.

Structure

The Service is split into three teams, each of which is led by an Assistant Head of Service (See Appendix 1, page 28). At the beginning of the year we reorganised into a Harrow team and a Brent team, alongside the Development and Support (DAS) team.

Each of the Borough teams consists of a Fair Trading Team that deal with counterfeiting, misdescribed goods & services and carry out financial investigations, and a Metrology and Safety Team that deal with underage sales, weights & measures, safety and pricing issues.

The DAS Team provide administrative and developmental support for the Service and is the first point of contact for most consumer and trader enquiries. It also offers individual assistance to those consumers who are either vulnerable or are dealing with complex civil issues with a trader, as well as running our metrology laboratory.

Staffing

At the beginning of the year when the enforcement teams were reorganised into two separate borough teams, two Assistant Heads of Service also swapped roles to broaden their experience

Due to financial cuts in Brent, a part time Trading Standards Officer who left to work for another

Authority at the beginning of the year was not replaced. However, due to the high demand for civil intervention work where assistance is given to residents in resolving their disputes with traders, we recruited a Civil Advisor who started with the Service in June.

Another member of staff has started on her training to become an Accredited Financial Investigator. This should provide us with the capacity to not only deal with our own cases, but to bid for work elsewhere within and outside the Councils.

During the year, one of our Team Leaders left to become Head of a neighbouring borough's Trading Standards Service and an Enforcement Officer left to pursue a career in teaching. It is envisaged that both of these posts will be filled in the summer.

Staff survey

Once again, the results of Brent Council's annual staff survey were very positive. Of the 69 questions, 61 had more positive responses than the Environment and Culture average. Five of the questions had more negative responses and we will be looking to address those areas next year.

Training

Five members of staff have passed eight exams in the Diploma in Consumer Affairs and Trading Standards (DCATS) which is the professional qualification for trading standards. In January, six portfolios of work that staff had submitted to support written exam passes were approved by external verifiers.

We always need to ensure that part of our budget is put aside for training, as Officers continue to need training to help them to keep up with changes in the laws that we enforce and the procedures we must follow. Most training we need cannot be provided by the Council as it requires specialist knowledge. However, by providing some of this training in-house we make the most of the training budget we have.

The recession

The current financial climate brings pressure for people in all sorts of ways, which means that the demand for trading standards services is greater than ever before.

When people are short of money they are more likely to take a risk that they may not have otherwise. There are an increasing number of scams that seek to take advantage of people, often those most in need like the elderly and poor. By dangling a carrot for an incredible bargain or a big sum of money, scammers can take advantage by acquiring the little money that people do have. We aim to raise awareness of these scams and try to prevent people becoming victims in the first place.

Apart from scams, counterfeiters also prey on the vulnerable in time of hardship. Not only can consumers lose out when they buy copied goods, but those businesses trading fairly and struggling financially themselves, lose out too. We have continued to target counterfeiters to stop them trading and give legitimate traders a better chance of survival.

Carrying out the proper safety checks on goods that are sold in the UK can be seen by some as cost prohibitive. When a business needs to cut costs, then the essential safety checks can offer an attractive saving. However, not carrying out the right checks can lead to unsafe goods being sold to the public. The Trading Standards Service has an important role to play in advising businesses and, whenever necessary, taking enforcement action to protect the public from unsafe goods.

Rogue builders are always a problem, but even more so when money is tight. People looking to save a few pounds are more likely to be tempted by the promises spun by someone knocking on their door. Victims will find themselves paying more than they bargained for, and left with broken promises and unfinished work. This has continued to be a growing problem and, as a result, we have introduced measures in partnership with the police to raise awareness and to stop vulnerable consumers from being ripped off in this manner.

The Chief Executive of the Trading Standards Institute puts it succinctly: "Low trading standards damage consumer confidence and depress spending. The growth the country needs is weakened where bad practice has opportunities to flourish, and fraud eats away at the green shoots of recovery."

Budgetary pressures

With resources constantly shrinking, some 'intangible' projects have become difficult to justify. For example, we have not been able to participate in events such as 'Under One Sky' and the 'Respect Festival' this year.

One of our responses to financial pressure has been innovative and we have introduced a more flexible working ethos amongst our staff by offering time off in lieu instead of overtime payments whenever officers work in the evenings or at weekends.

Improvement and efficiency

We continue to look for external funding wherever we can. This year we have successfully bid for funding, for two projects relating to safety. This is work that has a real impact on the safety of consumers and workers in the Consortium area and beyond, and is work we wouldn't have been able to do without the funding but has a real impact on the safety of residents and traders of Brent and Harrow. The projects are detailed later in the report.

Not so grim RIPA

The Regulation of Investigatory Powers Act (RIPA) has inaccurately been termed by the national press as 'anti-terrorist' legislation. This has adversely affected public perception of the invaluable work of local authorities.

The Act was brought in so that the activities that enforcement bodies carried out prior to the Human Rights Act could still be used after it came in to force, albeit with certain checks and balances in place. In fact, prior to RIPA, there were no such checks and balances for surveillance and authorities were given a free rein.

A lot of the enforcement work we carry out will at times require certain activities to be authorised under RIPA. Most of the criminal cases you read about in this report would not have been possible without evidence gathered using powers we have, duly authorised under RIPA. Underage test purchasing and catching, car-clockers and rogue traders are some of the activities that we would not be able to do if the powers we have that require RIPA authorisation were removed.

During a recent inspection visit by the Interception of Communications Commissioners Office, the Inspector stated he was, "satisfied that the communications data was being obtained lawfully and for the correct purpose."

The media

There has been a lot of positive publicity this year already about our work generally and specifically in topical areas such as underage sales and the sale of counterfeit goods. We have featured on a number of national television documentaries and on local and national news items, which have all shown both Councils in a positive light.

One such documentary, 'Who's Watching You?' was on the use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA). As mentioned previously, this Act has inaccurately been termed by the national press as 'anti-terrorist' legislation. In the documentary, we were able to show that the use of surveillance was an important tool in bringing rogue traders to justice.

The image shows a newspaper page with a 'Trading Standards Feature' header. The main article is titled 'Festive fraudsters' and discusses counterfeit goods, specifically Durex condoms. The article mentions Trading Standards officers and their work in identifying counterfeit goods. The page also includes a sidebar with staff photos and contact information for the newspaper.

One of the pages of the Trading Standards Feature

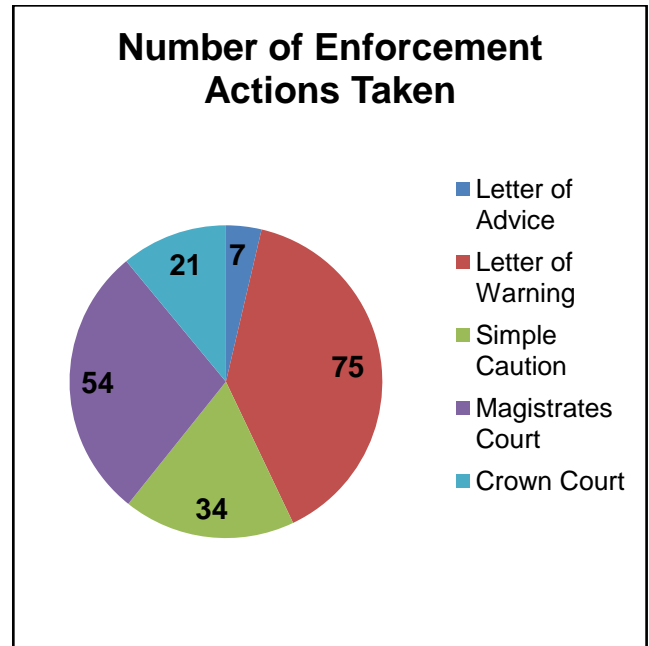
We regularly feature in local newspapers and the work we do continues to show both Councils in a positive light. In fact in December, the Willesden and Brent Times ran a two page spread, two weeks running, on the varied work that we do. The reporter had spent a few days with officers accompanying them on visits to different types of premises to get the information for the articles.

Investigations

As I have mentioned in previous reports, we have been focussing on criminals at the top of the supply chain wherever we can. Prosecuting in the Crown Court is now a matter of routine, demonstrating the size and seriousness of the cases that our officers have been investigating.

This year has seen the conclusion of a number of large cases, some of which we wouldn't previously have investigated. As a result, we saw a number of the people we prosecuted given heavier sentences rather than being fined:

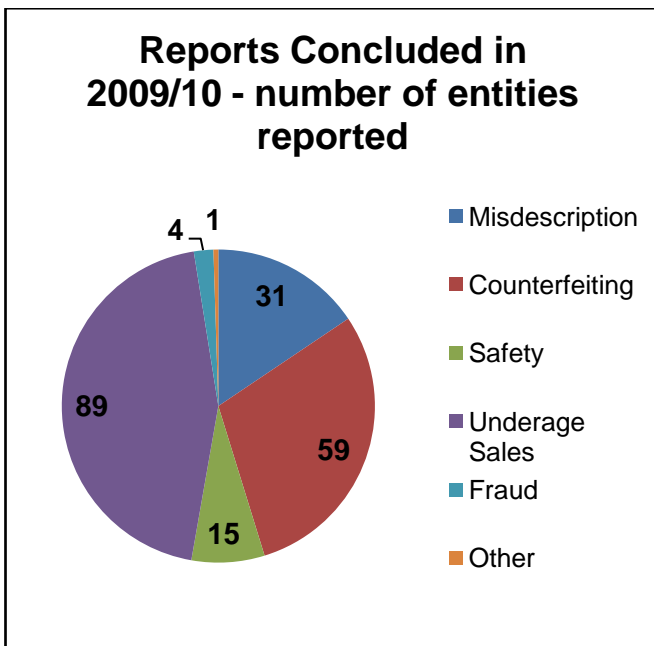
- 9 people given prison sentences totalling over 11 years.
- 6 people given Community Service Orders totalling over 1,000 hours.
- 3 people given suspended prison sentences totalling 15 months, 2 of who were also electronically tagged.
- 1 person electronically tagged and given a curfew.



POCA

We are continuing to increase our use of Proceeds of Crime Act powers as an enforcement tool. Awards made under POCA are split four ways, with 18.75% going to the enforcement authority and 18.75% going to the authority conducting the financial investigation, so when we have fulfilled both functions we get 37.5% of the total award. The money we are awarded has to be used to fund further enforcement work.

We are in the process of training our second financial investigator so that we can increase the work that we do. To that end, we have also approached other trading standards authorities and will be speaking to other departments within Brent and Harrow about how we can assist them with their investigations and use POCA to hit criminals where it hurts.



Priorities

Brent Council Priorities

1. A Great Place
2. A Borough of opportunity
3. One Community

Harrow Council Priorities

- A. Deliver cleaner and safer streets
- B. Improve support for vulnerable people
- C. Building stronger communities

Trading Standards Activity	Brent	Harrow
Investigate consumer complaints about breaches of consumer protection laws.	3	C
Advise businesses on the laws that affect them. As trading laws are largely EU-wide, this advice enables businesses to trade throughout Europe.	2	C
Take action against traders that break the law, allowing businesses that trade fairly to prosper.	2	C
Clamp down on doorstep crime and take action against rogue builders.	3	A, B
Act as 'Home Authority' for national businesses based within the Consortium.	1	C
Expand the Service's Good Trader schemes, offering tailored guidance and support to member businesses.	2, 3	C
Reduce the level of age-restricted goods sold to children	1	A
Assist the most vulnerable consumers in resolving disputes with traders	3	B

Budget and Finance

Consortium budget

The agreed budget for the Consortium for 2009/2010 was £1,702,000.

Brent's contribution was £886,000 (52%)

Harrow's contribution was £816,000 (48%)

Prosecution costs

We undertake criminal prosecutions using our own experienced staff, who issue summonses and appear as advocates in the Magistrates' Courts. In addition to saving us an estimated £175,000 in legal fees, this means that the in-house prosecutors are on-hand to advise on any issues that arise during an investigation and ensure that any cases we take have the highest possible chance of success.

As a result of our prosecutions last year, traders were fined a total of £27,250 and ordered to pay costs of £73,291.50.

Although it can take time for those costs to be paid and reach us, they provide a considerable source of income for the Service.

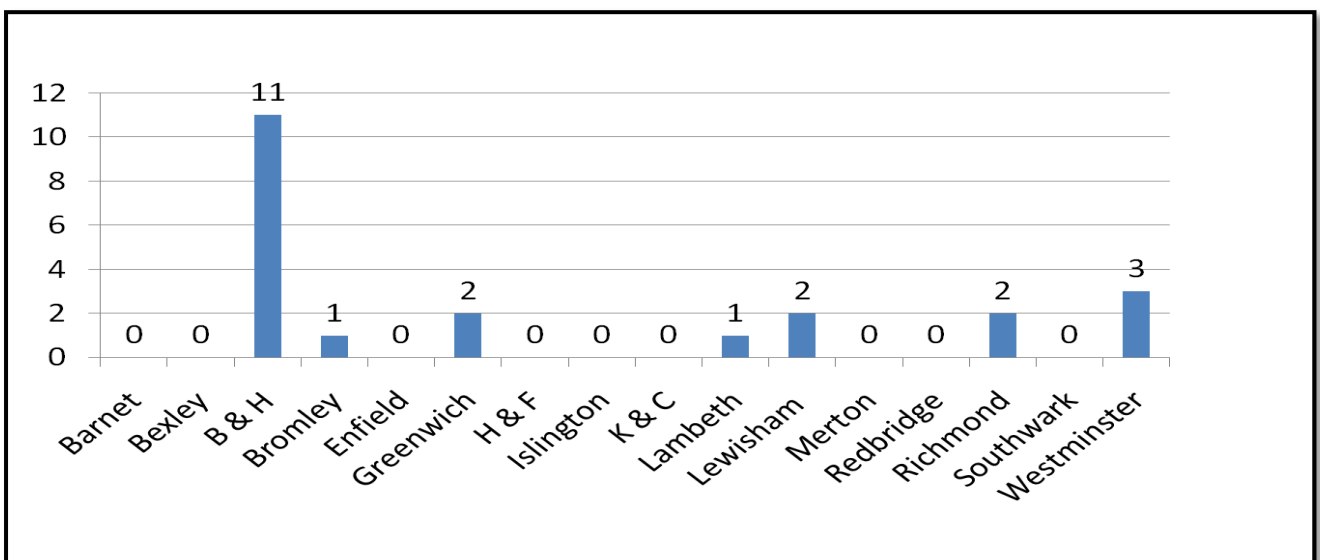
CIPFA

The Chartered Institute of Public Finance and Accounting (CIPFA) collates and publishes information from public bodies, including Trading Standards. The information isn't checked for accuracy and not all Authorities submit information, but it provides a means of comparing ourselves with others. The two tables on the next page show the net cost of trading standards per head of population and the percentage of cost spent on frontline staff.

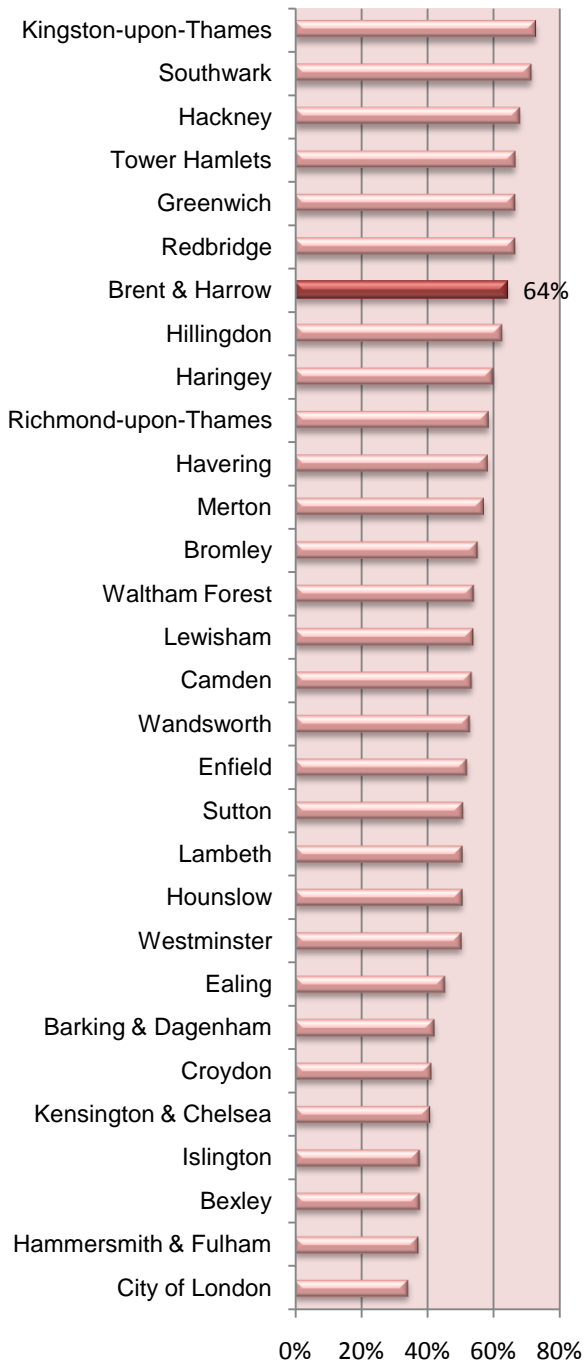
Benchmarking

We are an active participant in the London Service Development and Benchmarking Group. For 2008-9 the group carried out a survey on a wide range of trading standards activities. The 16 responses highlighted the work we are doing tackling more serious crime, in successfully prosecuting people in Crown Court. The result can be seen in the table below.

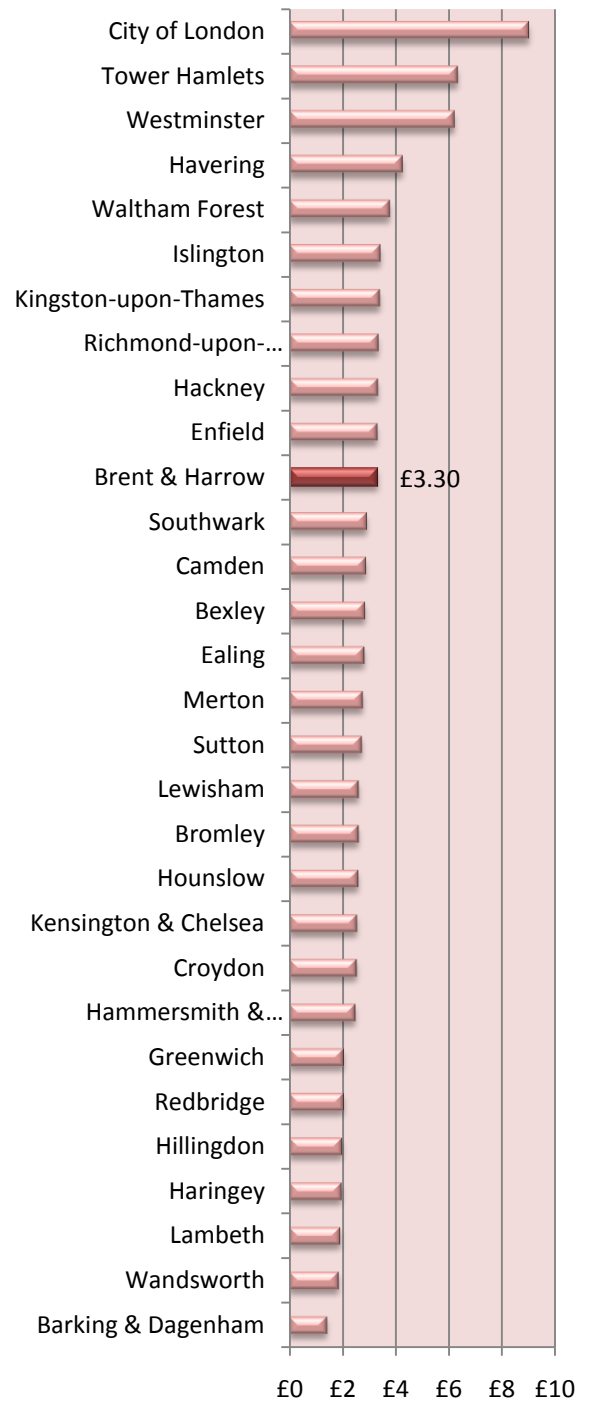
Number of defendants successfully prosecuted in Crown Court in 2008/09



Frontline staff cost as a percentage of the net cost of the Service



Net cost in £ per head of population



CIPFA comparisons

Performance

National performance indicators

There are three national indicators that we have contributed to this year, which are detailed below. NI 14 and NI 183 were both removed from the national indicator set in March and from April 2010 will no longer be collected or used.

NI 14 – reducing avoidable contact

This is a council-wide indicator that measures the percentage of customer contacts with the council that are avoidable. The percentage of avoidable contacts recorded for trading standards was 4.9%. This compares well to last year's figure of 23.1% but still leaves room for improvement.

NI 182 – business satisfaction

This indicator measures the satisfaction of businesses with councils' regulatory services. The information is gathered by means of a survey of businesses that have had contact with regulatory services, mainly because they were inspected. Because the method of calculating the indicator is quite different to previous versions, the results cannot be compared to previous years. The results for the Councils overall are shown below.

Brent: 65% up from 59% last year

Harrow: 82% up from 69% last year

NI 183 – impact on the fair trading environment

This indicator is specific to trading standards and measures the impact we have on creating and maintaining a fair trading environment. The indicator represents the percentage of businesses in each Borough that generate a certain number of complaints that we have not taken a certain type of enforcement action against. The aim is to reduce the figure year on year, indicating that more businesses are trading fairly.

Brent: 0.98%, down from 0.99% last year

Harrow: 0.81%, up from 0.72% last year

Customer satisfaction

We send out postal surveys to consumers who contact us, to gauge their satisfaction with our service and try and identify areas for improvement. The overall satisfaction level for the year was 80.9%.

Awards

Once again, Trading Standards was recognised at Brent Council's annual Staff Awards. In November, Jon Ashby won an award for personal achievement



Jon Ashby with the Mayor of Brent

Sanju Manji was also highly commended for promoting diversity, equality and social inclusion.

Doorstep Crime

We are taking an increasing role in tackling doorstep crime, where rogue builders are found to be preying on the residents of Brent and Harrow. We do this in a number of different ways. We carry out proactive work, working with other enforcement partners, have a rapid response protocol and try different methods to raise awareness of doorstep crime.

The proactive work involves working with partners, such as the Police Safer Neighbourhood Teams, UK Border Agency and other Council regulatory service units, on 'rogue trader days of action'. On these days we check up on traders carrying out building work to ensure that they are working legally and take action when they are not. We also keep an eye open for those who claim to be workmen as part of their ploy to carry out distraction burglary. We advise legitimate traders we see on their legal obligations and any home owners on their legal rights. Operations this year saw us advising numerous traders as well as the Border Agency arresting a number of suspected illegal immigrants.

The rapid response protocol means that we will respond immediately to doorstep crime related calls to try and catch the rogues in the act and intervene at the earliest opportunity. By quickly attending the scene, officers are able to gather evidence, apprehend suspects and ensure that victims are not tricked into paying any more money for unnecessary work.

As well as the work mentioned below, we are planning more work to raise awareness among bank staff of how they can spot and stop vulnerable people being taken advantage of.

Ma Kelly

In September, we ran an event for over 80 elderly Brent residents, called Ma Kelly's Doorstep. With additional funding provided by the Neighbourhood Working Team, we arranged for the Attic Theatre Company to perform an engaging 45 minute play, highlighting the dangers of distraction burglary. The play was at the Tricycle Theatre in Kilburn and Brent Community Transport arranged free transport for

those residents unable to make it the theatre themselves.

All the audience thought the performers were fantastic and brought the dangers of distraction burglary to life for them. Residents engaged with the actors during the performance to share their concerns about 'who was at the door of Ma Kelly'. After the play, they enjoyed a Marks and Spencer's lunch that we arranged for them and got the chance to meet the Mayor and representatives from Kilburn Safer Neighbourhoods Team and Community Safety.



A scene from Ma Kelly

Overall the residents agreed that they had a great day out and learnt how to avoid distraction burglary in a fun and informative way. Many said that they would share what they learnt on the day with friends.

"It was brilliantly done and really got the message across in a fun way."

Fascia fleecing

When we responded to a call from a Harrow resident, we found that he had already paid £11,000 for fascia repair work estimated at being worth £1,500 at most. Working with the Police we were able to prevent the victim from parting with a further £20,000 which the trader was demanding for more repair work. Two men were arrested and detained for questioning.

Behind bars

Another rogue builder is currently serving a six month prison sentence following our investigation. We were originally contacted by Brent Council Building Control, who had put a stop to work after the rogue had completed only a very small amount of extremely poor work and then walked off the job and refused to return. He had taken £17,500 in cash from the Brent victim and given them a false address on his business card and invoices.

When we investigated, we found that he had conned another elderly victim out of £3,000 for a small amount of poor quality work on her roof. Again, he had walked off leaving paperwork with a false address. When sentencing, the Judge read out part of one of the consumers' witness statements: "I feel that I have been cheated out of a large amount of money by a dishonest person who knowingly left work largely unfinished and then refused to return and put the situation right".

Roofing rip-off

A local resident was cold-called by a trader, who claimed that they had worked on a neighbour's roof and could see that work needed doing on the consumer's roof. The trader said they could do this for £10. He then went up onto the roof and started throwing tiles down claiming that the ridge tiles were very loose. He said he could fix that for £400. Once the consumer agreed, more work was found that needed doing and the price soon rose to £5,000. The consumer paid a £3,000 cash deposit for which he was given a receipt on headed paper. Over the next few days more work that needed doing was found and the price rose and rose to £50,000.

Unfortunately, when we were called by the consumer, we missed the trader by a matter of minutes. However, he was due to return and collect money the following morning, so we returned and waited with the Police but the trader failed to show for two days. Several days later the consumer called again and we returned with the Police to stop workmen from removing the consumer's roof. These men were from a different business, as they had been subcontracted to do the work.

The trader had lied to the victim about working on his neighbour's roof, had not given him the cancellation rights he was entitled to and the address given on his receipt was bogus. Our investigation is ongoing.

Paving

A trader, who claimed to be working in the area, cold-called and offered to relay an elderly lady's front garden paving. Feeling pressured, the consumer, who lives alone, reluctantly agreed to the work for a price of £2,000. Later, the distraught lady contacted us. We visited her promptly, along with an independent tradesman. He identified shoddy workmanship and also commented on the price being extortionate for the size of the job.



An example of some shoddy workmanship

The consumer had not been issued with a cancellation notice, as required by the law, which meant that she owed nothing for the work already done. With the lady's agreement, we called the trader and cancelled the contract and she arranged for a reputable trader to complete the work.

Worried widow

We were contacted by the worried nephew of an elderly Brent widow. She told us that builders had cold-called and talked her into letting them do some minor jobs but then started doing work she hadn't agreed to, while she was on holiday. The builders had not given her the cancellation notice required by law, and were now demanding £16,000 for work later estimated as worth only £2,000.

They were due back the next morning so we were there, waiting with the Police. The van the builders arrived in was uninsured and so the Police impounded it with their tools still inside. As a result, the van driver, already having a number of points on his licence, is facing an automatic driving ban. The victim no longer has to worry about being bullied into giving any of her savings away.

Land banking refund

On another occasion the call originated from a local bank in Harrow Weald. A member of staff there was concerned about a man with learning difficulties asking to transfer £7,000 to a company. We arrived promptly, spoke to the gentleman and got his permission to speak to the trader on his behalf. The trader turned out to be a land-banking company who had already received £8,000 from the consumer. After we spoke to them, they agreed to return that money to the consumer. By calling us, the bank helped save the gentleman from losing £15,000 to a dubious land-banking scheme.

From a Harrow resident:

“Thank you very much for all the time and effort you put into retrieving our £1200 deposit.....

We are very grateful, as, without your help, we would certainly not of been able to pursue this matter ourselves”.

Underage Sales

Protecting children from harm and preventing the sale of age-restricted goods to children is one of our main priorities. There are a number of ways that we do this which are detailed in other sections of this report. Even some of the traders we take action against appreciate the value of the work we do.

Responsible retailer scheme

As well as taking enforcement action we work with traders to educate them on the law and advise them on how to ensure they don't sell age-restricted goods to children. The Responsible Trader Scheme was set up to help achieve this and its membership is now over 330 and growing.

Test purchasing

This year we carried out 201 underage test purchases in Brent and 200 in Harrow. In Brent we had 9 sales (4.5%) and in Harrow the figure was 11 (5.5%). These figures are the lowest we have had for years and hopefully reflect the work that we have been doing, particularly with the responsible trader scheme. The results for each product can be seen in the tables at the end of this section.

Underage? That's OK then

In November, a Harrow Weald retailer and his employee were fined a total of £1000 and ordered to pay £1045 costs for selling cigarettes to a child. In April 2009, when our child volunteer went to buy the cigarettes, the employee asked her how old she was; she told him that she was 13. He then proceeded to ask her if the Police were outside and when she said that she did not know, he checked by looking outside himself. Then he sold her the cigarettes. After the sale, we discovered that the owner had not trained the employee about underage sales at all, despite having agreed to do so when joining our good trader scheme.

In June, a Colindale retailer was fined £750 and ordered to pay £941 costs for selling a knife to a child. The owner sold the knife to the 14-year-old school boy despite asking his age and being told the truth.

From a trader we prosecuted for an underage sale –

"I am glad Trading Standards are keeping us on our toes because these operations are doing good for society"

Shisha shocker

Officers observing an underage test purchase in Stanmore were stunned when they saw children wearing school uniforms openly smoking shisha at tables outside the restaurant they were visiting. They were less than surprised then, when the restaurant sold shisha to our child volunteers. The restaurant and the individual who sold the shisha were fined a total of £800 and ordered to pay costs of £870. As a result, we also gave evidence at a licensing hearing and the restaurant now employs a door supervisor. Unfortunately, shisha smoking is becoming more common as many people mistakenly believe that it is not as harmful as smoking cigarettes.

Let this be a deterrent

In February, a central Harrow retailer, was fined £1,200 by Harrow Magistrates Court and ordered to pay £1000 in prosecution costs for selling a carving knife with a twelve inch blade to a twelve year old child. The member of staff who sold the knife said she hadn't had any training on underage sales for two years. The Magistrate stated that the level of the penalty must act as a deterrent to other traders.



The foot-long knife

The Video Recordings Act

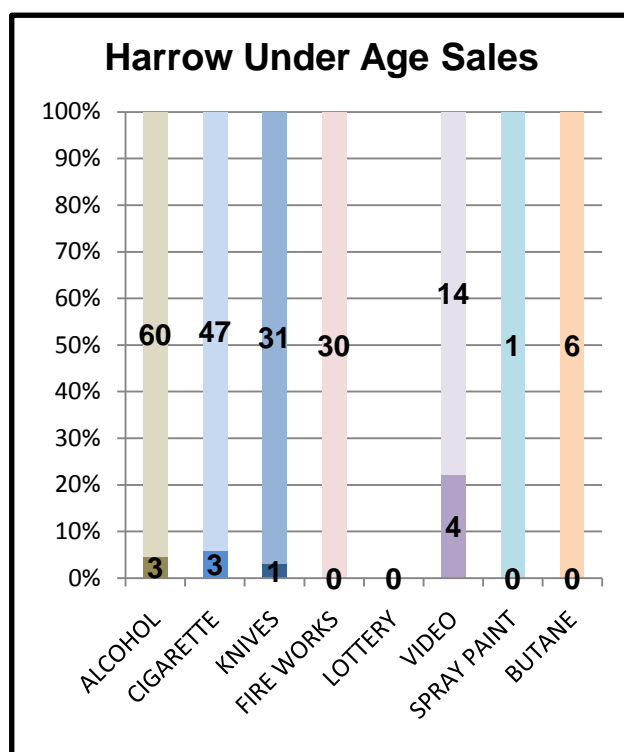
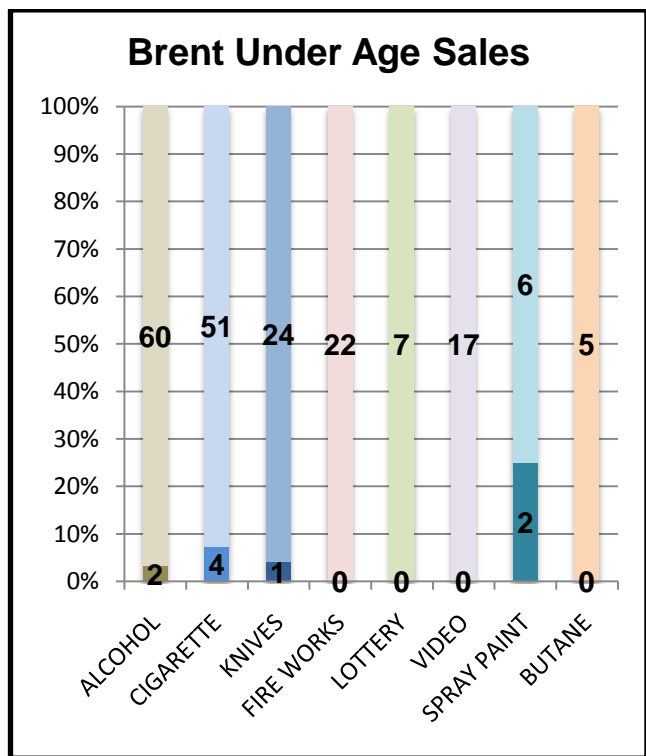
In August this year it came to light that the Home Office had failed to notify Europe when the Video Recordings Act 1984 came into force. Because of this, the Act was unenforceable and had to go through Parliament to be re-enacted. In the meantime, we had to drop all our cases under the Act. This not only affected underage sales of DVDs and games but also the classification of movies; unclassified material such as pornography could, unless it was caught by some other law, be sold perfectly legally.

Video game survey

We took part in a London-wide project, funded by the Department for Culture Media and Sport, to assess the ease with which children could buy age restricted video games. Certain video games are certificated just like DVDs and have the same restrictions on their sale. Across the eight Boroughs taking part, 104 test purchase attempts resulted in 29 sales. In Brent and Harrow 35 attempts resulted in 4 sales.

No smoke without fire

A Harrow Weald shop that was the source of a large number of complaints alleging they sold cigarettes to school children was an obvious place to conduct a test purchase. The shop subsequently sold cigarettes to a fourteen year old child volunteer. The owner of the business received a two year conditional discharge and was ordered to pay £925 costs.



Tables of Underage Test Purchase Refusals (top figure) and Sales (bottom figure)

The Fight Against Fakes

Four fraudsters foiled

Four men were caught after an operation at Wembley Market that started with us visiting five times and buying counterfeit trainers from them. We obtained the stall holders' details and wrote warning them of the consequences of breaking the law by selling counterfeit goods. Despite this, they continued to trade in illegal goods. With the police, we raided the stalls, seizing a large quantity of counterfeit trainers with a street value of £31,475.

The main defendant, who had two previous convictions relating to counterfeit goods, tried to deny he was involved or had received any of the warning letters that we had addressed to him. He claimed that he wasn't known as 'Naz', the name we had used in addressing letters to him. However, when he was cross-examined he admitted that he had a personalised number plate for his car which included the name 'Naz', that he was known as 'Naz' and he had actually received some of the advisory letters but had thrown them in the bin.

'Naz' was sentenced to two years after being found guilty of supplying counterfeit goods. Three other men were also sentenced after pleading guilty to the same offence during the trial. One to six months in prison, one to 200 hours and the other to 100 hours of unpaid community work.

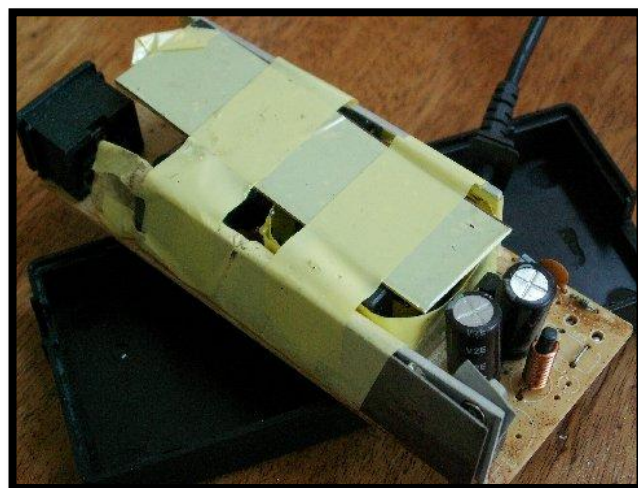
Despite numerous seizures, illegal street traders continue to return. During event days, this work is sponsored by Wembley Stadium who are concerned that the illegal traders take business away from the legitimate stall holders. This work will become more and more significant with the approach of the 2012 Olympic Games.

Market troubles

In June, a Harrow Market trader was sentenced to three months imprisonment for selling counterfeit goods. We seized over 100 items from his stall at Harrow Market when we found counterfeit clothing for sale. We later discovered that he had previously been issued a caution for selling counterfeit clothing at another market.

Counterfeit shocker

One investigation this year dealt with goods that were both fake and unsafe. The investigation led to the Harrow trader being sentenced to 8 months imprisonment for selling electrically unsafe and counterfeit laptop chargers from his websites.



The internal components of a counterfeit charger

A consumer complained to us that he had been sold a counterfeit Sony laptop charger online. The website in question sold numerous other brands of laptop chargers as well. Accompanied by Police, we executed a warrant at the defendant's business premises where we seized 740 laptop chargers, together with computer equipment and documentation.

When we interviewed him at a Police Station, he admitted to selling between 400-500 chargers per month, to running the website and supplying the counterfeit chargers for £40 each. That equates to a turnover in the region of £200,000 per year. Forensic analysis of the defendant's computer showed that he had been buying the counterfeit chargers from a supplier in China since 2004. We also had a product safety tested and the report concluded that the charger was dangerous, offering a risk of electric shock to anyone using it.

Our financial investigator has initiated an investigation under the Proceeds of Crime Act which is currently ongoing.

Quick, out the window

Having investigated a company and its directors following the seizure of 40,000 items of counterfeit merchandise of bands such as Nirvana, AC/DC and Red Hot Chilli Peppers from their industrial premises at Abbey Road, Park Royal, we returned to the premises to serve summonses. We were stunned to find that the business had continued its trade in fakes. We were even more stunned to find the defendants throwing evidence out of a window, in an attempt to cover their tracks. We then seized another 10,000 items, working late into the early hours of the following morning.



Some of the items seized

Later, in Court, one director was sentenced to 21 months imprisonment, whilst the other received a 7 months sentence suspended for 2 years, and was also electronically tagged and given a curfew. Our financial investigator has initiated an investigation under the Proceeds of Crime Act which is currently ongoing.



Piles of stock at the industrial premises

Rip-off tip-off

With information and the help of private investigators, we traced the supply chain of a gang of market trader involved in the sale of counterfeit goods to a local self-storage facility and found that they had a stall at Shepherds Bush Market as well as Wembley. We executed warrants on the same day at a home address, Wembley Market and the self-storage facility, followed by raids at Shepherds Bush Market and another lockup two days later, seizing over 7,000 items. We later searched another residential address and found a further 900 counterfeit items even though the resident knew that we were investigating him.

The main defendant admitted that the business turned over £600,000 in just over two years. He was jailed for a year and the three others were ordered to do unpaid community service. Sentencing the men, His Honour Judge Maloney QC said: "This is not a minor matter. Brand names are the valuable property of the companies that invest in them. It is as wrong to steal somebody's brand name as it is to steal their car or physical property." Our financial investigator has since secured a confiscation order for £40,000 against the primary defendant under the Proceeds of Crime Act 2002.

Willesden market

As part of Police operation in and around the Church End Estate, we accompanied the local Police Safer Neighbourhood Team on two occasions to raid those stalls at Willesden Market selling illegal goods. Numerous investigations are now ongoing into those who were caught supplying fake goods.

Counterfeiter tagged

Another stall holder at Wembley Market was ordered to be electronically tagged and required to reside at her home address, with a curfew between the hours of 9pm to 7am, after having pleaded guilty to counterfeiting charges. When we raided her stall at the market we seized 898 counterfeit items and found details of goods being delivered to a storage facility. The next day, we obtained warrants and broke open two storage units where we found another 1,276 items. The total street value of the goods was estimated at £69,000.



Some of the goods seized

Wembley Stadium

We have worked at all of the major events taking place at Wembley Stadium through the summer including the F.A. Cup Final, the league playoff finals and music concerts. We work in partnership with the Police and Brent Licensing teams to stop and check sellers, seize their illegal goods and where appropriate, investigate the matter further.



Counterfeit FA Cup Final scarves in a seller's car boot

From Chelsea Football Club:

"I would like to pass on our sincere thanks for all your work at the FA Cup Final"

Product Safety

Pointy hat poser

We discovered a shop in central Harrow selling a novelty hat for £1, which consisted of a metal spiral covered in fabric and topped with a pom-pom, the bottom of the spiral forming the base of the hat. We noticed that the fabric on one of the hats was torn and the metal was protruding from the top.

We sent a hat to an expert for testing and in the meantime the shop withdrew the remaining stock. Despite the obvious fault in the hat, the expert could not state that the hats were unsafe.



The hat, as found in the shop

Firework licensing

In Harrow, we license the storage of explosives, normally fireworks, for retail sale. There are strict controls over the quantity of fireworks they can stock and how they are stored as well as precautions they must take. In the autumn, before the firework season, we visited every premises that had fireworks to ensure that they are correctly stored and displayed. We also advise them about underage sales.

One business, which had excessive stock in the shop as well as a van, full of fireworks, removed the excess as soon as we told them to. This year, all of the 30 stores where we attempted an underage test purchase refused to sell fireworks to our child volunteers.

Shocking phone chargers

An unsafe mobile phone charger being sold in Brent led us to working with another trading standards team to take action against the supplier. We bought a mobile phone charger from the Willesden shop, had it tested and found out that it was unsafe.

We returned to the shop and seized the remaining stock and asked the shop owner to give us the details of who had supplied him. We spoke to Tower Hamlets trading standards, where the supplier was based, they visited them and seized a large variety of mobile phone chargers.

To save on our costs, we agreed with Tower Hamlets that they would add the offences in Brent to theirs, by the trader agreeing for them to be taken into consideration. The supplier was fined £1350 and ordered to pay costs of £3,566. All the electrical items seized were forfeited and ordered to be destroyed by the Court.

Electric blanket testing

This year we organised the free testing of residents' electric blankets in Harrow, working with the Fire Service and Age Concern. Our expert tested 76 blankets, of which 10 were found to be unsafe, a slightly lower failure rate than previous years. We hope to be able to continue this much valued work in the future and see the failure rate fall further.

From a Harrow resident whose blanket we tested:

“The testing service you provide is invaluable, especially to the elderly and we hope you will be able to continue it in future years”

Personal protective equipment

In partnership with Enfield Trading Standards we secured funding from the Department for Business, Innovation and Skills (BIS) to carry out a project on personal protective equipment (PPE) used by the construction industry. We bid for the money as it is the sort of work we cannot otherwise afford to do and with the large number of people working on construction sites locally is particularly important.

We have purchased and had tested a number of hard hats and safety goggles and many have failed safety tests. We will be taking up the results with the manufacturers and importers and investigating further as well as keeping BIS informed of our findings.

Repeat offender

A Harrow market trader pleaded guilty to offences of offering for sale unsafe and counterfeit goods from his market stall at Harrow Market. He was ordered to pay a fine of £300 and prosecution costs of £650. The trader had previously accepted a simple caution for selling fake goods but was again found selling counterfeit batteries and mobile phone accessories as well as travel adapters which allowed access to live parts and posed the risk of electric shock or injury to anyone using them.



Some of the counterfeit goods seized

Electrical safety

We successfully secured funding from the Electrical Safety Council to carry out a project to assess the electrical safety of cheap electrical appliances in Brent. In the autumn we test purchased various items such as kettles, toasters, heaters, food processors, irons and fridges and had them tested by an expert. Seven of those items were considered to be unsafe. Some of these infringements are still being investigated but several importers have already been dealt with through various enforcement actions.



Some of the electrical items seized

Furthermore, following a tip off, we used our powers to suspend almost 1,000 rice cookers under the Electrical Equipment (Safety) Regulations 1994 from a trader in Wembley. One of the failings in the cookers was that they were fitted with moulded plugs that had no fuse whatsoever.

In Harrow we had a range of portable electrical appliances tested by an independent expert who identified failures in three of the items he examined. Two items were technical failures, a more serious failure in a battery charger led to us seizing the stock and issuing a written warning to the retailer, as the manufacturer could not be traced.

Other Actions

The UK's largest car-clocking case

Two rogue car dealers were each jailed for 27 months at Isleworth Crown Court after pleading guilty to conspiracy to defraud. The 18 month investigation, involved 320 cars with a total value of £1.5m and an illegal profit estimated at £280,000. The cars were advertised across the UK with known victims of the fraud coming from across the south east of England. The two men ran a business based in Southall and sold the cars via their own and the Auto Trader websites.

We were alerted to the fraud when we received a complaint from a lady in Harrow who had part exchanged her 98,000 mile VW Polo and bought a 51,000 mile VW Polo for £2750. The previous owner she called soon after she bought the car told her that it had done at least 97,000 miles, then, three weeks later she saw her old car for sale on the car dealer's website with a mileage of 64,100.

We began monitoring the car lot and websites and found 23 more clocked cars that had been sold by the dealership. Many of these had been bought from motor auctions only to appear soon after with significantly reduced mileages. We made undercover test purchases of cars from the Southall premises and in March 2009 executed warrants and seized computer equipment, mobile phones, documentation and 26 suspected clocked cars. Further extensive investigation revealed a total of 320 clocked cars had been sold or offered for sale by the fraudsters.



Some of the cars being seized

Members of the investigation team received a Judges commendation for their hard work in this long and complex investigation. Our financial investigator working has initiated a proceeds of crime investigation and the final hearing is due in the near future.

Substitute shown the red card

In January, a central Harrow bar was fined £2500 and ordered to pay £1464 costs after pleading guilty to offences of substituting Bacardi with another type of rum. The case arose from proactive work carrying out screen tests on certain brands of spirits in pubs and bars. In the bar in question the screen tests indicated that the spirit in both the Bacardi bottles was not actually Bacardi. We then took formal samples and sent them off to the public analyst, who confirmed that they weren't the real thing. In sentencing, the Magistrate stated that these types of offences are widespread, cost the drinks industry millions of pounds and were harmful to consumers.

Tackling fraud and deceptive trading practices

We worked closely with the local Police CID to bring charges against a large mail order company based in Brent, which allegedly scammed consumers by offering electrical appliances for sale which never existed, before repeatedly debiting their payment cards. The individual responsible is now standing trial at Crown Court.

We have also closely monitored the actions of a national land investment company who had taken large sums of money from vulnerable residents for the purchase of land but provided no evidence of any title in land to the purchasers. We commenced legal proceedings but had to withdraw following the bereavement of a key witness. However, our intervention has secured refunds of £20,000 and £100,000 for the victims.

Tobacco paan sales

As part of the Brent Council Paan Spitting Campaign, we advised traders of their legal duties to ensure that the tobacco paan is correctly labelled, and that it is not sold to people under 18. We carried out test purchases at the premises we had advised but unfortunately two traders chose not to follow the advice we had given. We successfully prosecuted both traders for the supply of non compliant tobacco products.



Parking scam

As well as tackling illegal street traders at Wembley, we have been working with the Police to target the problem of illegal event day parking around the Stadium. The problem has seen groups take over land near the Stadium, that they have no authority to use, and charge the public to park there, which has led to many people complaining to the Council. We carried out undercover work and gathered information on the people involved. As a result, the Police made seven arrests. A number of people have already pleaded guilty to offences under the Fraud Act 2006, with further prosecutions expected.

Weeks of action

There are a number of weeks of action throughout the year where officers from different parts of Harrow Council concentrate their work on a specific area of the Borough for that week. We take an active part in these, engaging with consumers, advising businesses and taking enforcement action when needed. The following paragraph details one piece of work that arose from a week of action in central Harrow.

Alternative enforcement

Along with other Trading Standards Services in North West London, we undertook to give business guidance & legislation updates to estate agents and letting agents. We wrote to all estate and letting agents believed to be operating in Brent and Harrow, providing them with comprehensive advice packs covering the various laws that apply to them. We gave businesses the opportunity to contact us if they wanted any more guidance or if they wanted us to provide a training seminar. By using this method of advising businesses, which is particularly suited to businesses that don't have much for us to inspect, we managed to contact over 200 using minimal officer time.

Precious palladium

This year saw a new metal added to list of precious metals required to be hallmarked. Palladium is bright, white, tarnish resistant, less dense than other platinum group metals and cheaper than platinum or gold. The change in the law is due to the increased use of the metal in jewellery, as a cheaper alternative to white gold. The assay office has already released a new hallmarking notice that jewellers must display and we have contacted all jewellers on our database to advise them of the change.

Helping Consumers

Our Consumer Advice Officers deal with the vulnerable, more complex, high value complaints. However, since January, our Customer Service Officers have also been intervening in some cases to provide assistance with lower value, less complex issues by visiting or writing to traders instead of just giving initial advice to consumers. This has been well received by residents, some of whom would not have previously received such assistance.

No memorial

A Harrow gentleman paid a trader £3,700 for a memorial stone for his late wife's grave. However, despite repeated promises from the trader, it never arrived and eventually they ceased communicating with him altogether. It was only after we intervened that the trader ensured that the memorial stone was delivered.

Where's my car?

A local consumer had his vehicle, worth £2750, seized by a debt collector for outstanding parking tickets. However the tickets were all issued to the car's previous owner. The consumer had tried resolving the issue himself, by sending the vehicle's documents to the debt collectors, but they said that was not good enough.

When we were asked to intervene, we told the debt collectors that they had no right to seize the vehicle as the parking tickets were in the name of a previous owner. They claimed that they had a 'Warrant of Execution' to seize the vehicle but when asked to provide it they could only produce one in the previous owner's name. In view of this lack of evidence, the debt collectors arranged for the vehicle to be released to the consumer.

From a happy consumer:

"Thank you very much for your help in getting me part compensation of £500"

This year, by intervening on behalf of consumers, we have saved Brent and Harrow residents over £70,000

It's curtains for this dodgy trader

A local resident had some substandard blinds fitted, so they wrote to the company to ask for a refund. The company refused to take the blinds back and refund her £150 deposit, instead they pressed her to pay the remaining £150, so she contacted us.

As the company had signed the contract at the consumer's home address they should have given her a copy of her cancellation rights, but as they didn't the contract was unenforceable. We pointed this out to the company and now the consumer has had a refund, the blinds removed and the damage left behind made good.

Training course provider disappears

Five Brent residents came to us separately for advice after they had been signed up to a credit agreement for an IT training course at a cost of around £4500 each. The residents were all cold-called by a 'recruitment company' who had found their personal details on CV's posted on the internet. The company offered to pay for the entire cost of the IT training course if the consumer completed the training and put this in writing.

However, the recruitment company soon disappeared and the training company went into administration, leaving consumers to face the cost of the finance agreement themselves, but without having received any training. This company affected many consumers nationwide. With the assistance of our Civil Advisors, all five residents received both a full refund of any money they had paid to the finance company and confirmation that the debt had been cancelled. Some of the cases have yet to be resolved, but we estimate we will save local residents £23,500.

Course fee refunds

A Brent resident decided to change his career and enrol on a training course. He clearly specified with the college that he could only attend on certain dates, which they verbally confirmed. As a result, he entered into a credit agreement for nearly £5,000 to pay for the course.

However, a week later the college told the consumer that he couldn't have the agreed dates and offered him different dates, which he couldn't make. He tried to cancel the agreement but the college refused. When the consumer contacted us, we got in touch with the college and provided evidence that they had breached the terms and conditions of the contract with the consumer. The company agreed to cancel the course and the associated credit agreement.

A consumer in Harrow, who had a child suffering from dyslexia, paid a trader to provide sessions which would cure the dyslexia by doing various exercises. She took out a credit agreement in order to pay for the course. The company moved from one of their premises close to the consumer and expected her to travel outside London for the classes, which was incredibly inconvenient.

The consumer complained to the company, who told her that she could access the course online but she found there was no online support to go with the course. The credit provider refused to cancel the contract until we got involved and managed to get the consumer her £1,550 back.

Stair lift climb-down

An elderly Harrow consumer, who was housebound and reliant on her stair lift, contacted us when her stair lift stopped working and the company refused to repair it, as it had run out of warranty. We contacted the company and told them that as well as the warranty, the consumer has rights under sale of goods laws. The company immediately repaired the stair lift, saving the consumer £500 in repair fees.

Never too late

A Willesden resident bought a washer-dryer from a large company 6 years ago. The appliance never worked properly from the start but, despite complaining to the shop, he was not provided with a replacement at the time. In the last three years it has needed to be repaired about 17 times and the consumer was extremely frustrated at having to pull wet, heavy clothes from his machine every time it broke down.

We contacted the Head Office of the company on behalf of the consumer and advised them that we believed that his legal rights had never been effectively honoured from the start of the contract, six years ago, and requested a replacement machine for the consumer. The company wrote back within a week to say that the consumer could visit the store and select a new washer/dryer at no extra cost.

How about an English course?

A student from India applied to a Brent college and got a student visa for a health and social care course. The course cost £3550 which was paid using his mother's life savings. When he arrived in the UK, the college told him that they couldn't provide the course for him and tried to persuade him to take an English course instead. The student refused as he specifically wanted the course he paid for.

When he asked for his money back the college refused. The student contacted us, following his aunt's suggestion, and we finally managed to get his money back from the college in September. The student is now registered for the course he wants at another college.

Another satisfied customer referring to one of our Consumer Advisers:

"We as a public are used to complaining but are not very good at showing our appreciation. On this occasion I want to commend her highly for what she has done."

Gas, gas, gas

A vulnerable Harrow consumer had been receiving unusually high gas bills. Despite the consumer informing their supplier a number of times, they didn't bother looking into the matter, causing the consumer and his family increasing distress. When we intervened, the supplier acknowledged that the consumer was billed incorrectly and that as well as his own, he had been paying for his downstairs neighbour's gas for the past three years. They apologized for the ordeal and paid the consumer £2,645 in settlement.

The last resort

When we intervene on behalf of consumers, we try and negotiate with traders by explaining the law and consumers' rights. This can take time but is often successful. Sometimes traders refuse to acknowledge their legal obligations and the consumer has to take them to court. This year, we assisted ten residents in taking legal action through the small claims court in an attempt to resolve their cases, when all other routes had failed. A number of the cases are awaiting court hearing dates later this year while the others won their cases.

Window award

One Brent consumer who had been waiting for two years to get a double glazing problem resolved successfully, won their case in court, and was awarded over £2,500 in costs from the trader. The trader chose not to pay, leaving the consumer with no option but to contact bailiffs, which would have cost them more money. However, our civil advisor is assisting the consumer in negotiations with the trader for payment of the outstanding judgement to try and save the consumer the additional costs of using a bailiff.

Travel trouble

A Harrow consumer who had booked tickets through a travel agency discovered that there were inconsistencies in the agreed itinerary, which was due to the trader's mismanagement. When the consumer brought this to their attention, they refused to give a refund denying it was their fault. The consumer contacted us and we assisted them in taking the matter to Court which resulted in the consumer receiving judgement in their favour of £664.

Consumer triumph

We assisted another Brent consumer in taking a case through the online claim process. The trader decided to defend the case and so a full hearing was convened. We assisted the consumer all the way through the court process including producing a bundle of relevant documents for the court and an officer attended the court hearing with her to help her through the process. The consumer presented the case herself, very confidently, and the judge awarded the case in her favour.

Conclusion

I hope that the diverse nature as well as the quality and quantity of the work carried out by the Trading Standards Service is reflected in this report. Despite the fact that we are a relatively small council service, we have, nevertheless, one of the largest potential customer bases of any Local Authority Department.

Much of the work that we do goes unnoticed, which is why when the public go a petrol station to fill up their cars, they are confident that they are going to get the correct quantity, or when a consumer buys a toy or electrical product, they know it will be safe. A large proportion of our work is carried out behind the scenes through inspections and proactive advice to ensure that businesses are fully compliant in all their trading activities.

The Olympics

In just over two year's time, the Olympics and Paralympics come to London, and Brent will be hosting a number of sporting events. The level of counterfeiting then will far exceed anything we have previously dealt with both in Brent and Harrow, and across London. To meet this challenge, preparations are already being made to combat the inevitable threat of rogue traders cashing in on the opportunities presented with the influx of spectators and tourists.

Not only will we have to provide trading standards enforcement within the Consortium area, but due to the fact that there are only 250 trading standards professionals throughout London, greater levels of partnership working will have to take place with our colleagues, police, Olympic authorities and other agencies. I am pleased to report that in my role as Chair of the London Trading Standards Authority (LoTSA), I am co-ordinating the strategic activities of Trading Standards throughout London.

Shared services

The joint provision of trading standards services by Brent and Harrow has demonstrated that it leads to higher outputs, greater efficiencies and value for money services. In the current economic climate, shared services are increasing

in popularity in all sorts of areas of local government. I have previously contacted a number of neighbouring Authorities about the possibility of expanding the consortium but to no avail.

I have met with an Assistant Director from the Department for Business, Innovation & Skills (BIS) to discuss shared services, both how Brent and Harrow operate as a consortium and what further benefits could be gained from greater sharing of services within London. I will continue to promote the benefits of the Consortium, as I believe it is the most efficient and effective way to deliver a trading standards service. I am certain that any additions to the Consortium will result in further efficiencies for both Brent and Harrow as well as for any prospective new partner.

E-commerce

We are increasingly seeing traders who want to ignore consumer protection laws setting up business on the web. This report includes details of some businesses that traded online illegally and the action we took against them. BIS will be providing funding nationally to train trading standards staff in e-commerce enforcement.

And finally.....

I would like to express my congratulations to all the staff for yet another successful year despite the ever increasing demands that are placed on them and thank them for their invaluable contribution. None of the work that is contained in this report would have been possible without their dedication and commitment.

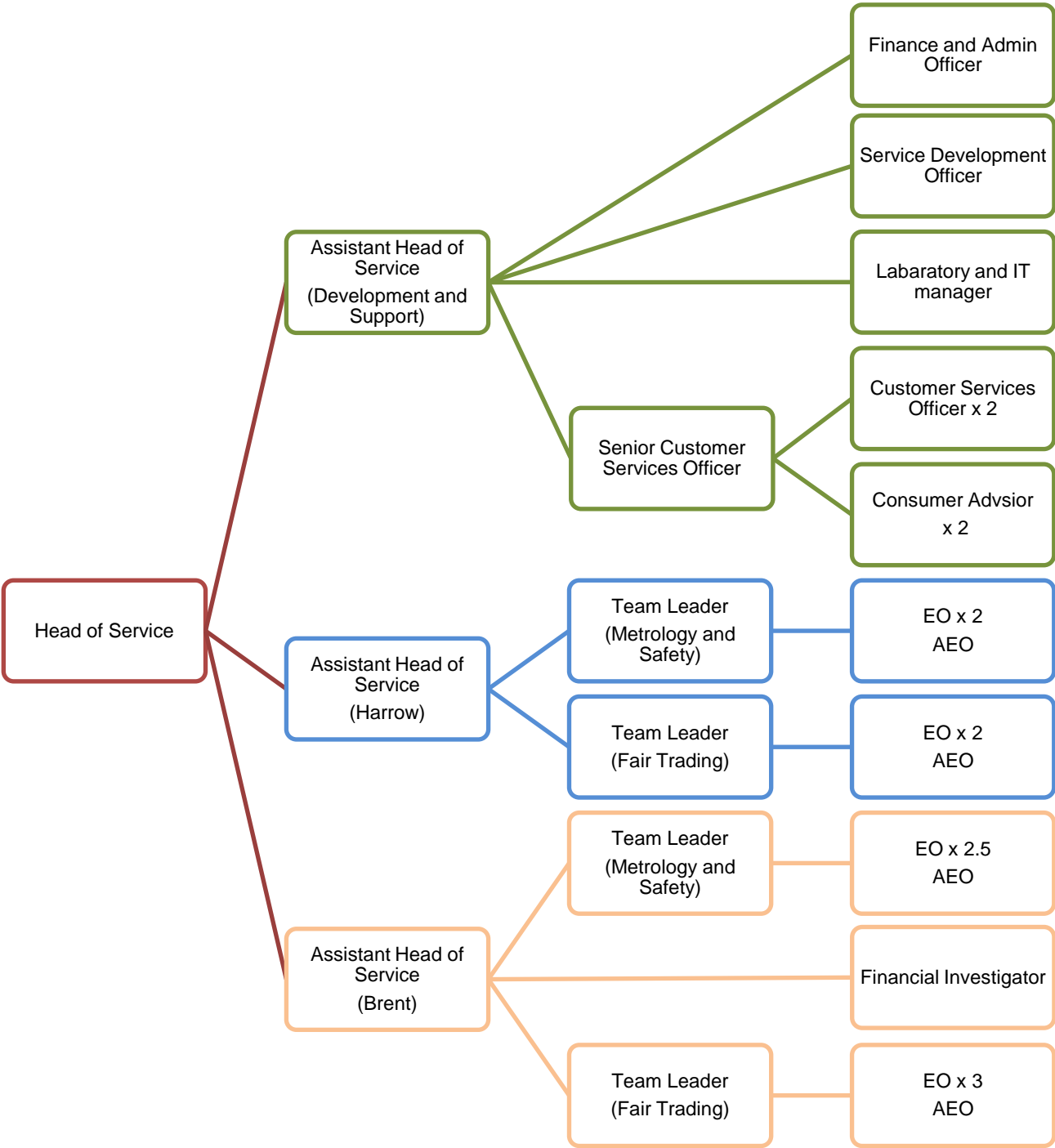
The staff and I are just as grateful to Members from both Councils, particularly those who sit on the Joint Advisory Board, for the enthusiasm and support that they continue to give to their Trading Standards Service.



Nagendar Singh Bilon
Head of Trading Standards

Appendix 1: Trading Standards Structure

Structure as at 31st March 2010
(30.5 FTE)



EO = (Senior) Enforcement Officer
AEO = (Senior) Assistant Enforcement Officer